

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

LARRY KIRKWOOD,

Plaintiff,

v.

K. RAMIREZ,

Defendant.

Case No.: 1:23-cv-0314 JLT SKO (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
ACTION WITHOUT PREJUDICE FOR  
PLAINTIFF'S FAILURE TO PROSECUTE,  
AND DIRECTING THE CLERK OF COURT  
TO CLOSE THE CASE**

(Doc. 39)

Larry Kirkwood seeks to hold the defendant liable for violations of his civil rights at California Substance Abuse Treatment Facility. The magistrate judge found Plaintiff failed to keep the Court informed of his current mailing address, and as a result failed to comply with the Local Rule 183(b) and failed to prosecute this matter. (Doc. 39.) The magistrate judge found dismissal is appropriate after considering the factors set forth by the Ninth Circuit. (*Id.* at 3-4.) Thus, the magistrate judge recommended dismissal of the action, without prejudice. (*Id.* at 4.)

The Court served the Findings and Recommendations on the parties—including at the only address of record for Plaintiff—and notified them that any objections were due within 14 days. (Doc. 39 at 5.) The U.S. Postal service again returned the Court's mail to Plaintiff as "Undeliverable, Attempted – Not Known, Unable to Forward" on November 26, 2024. Defendant did not file any objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), the Court performed a *de novo* review of this case.

1 Having carefully reviewed the entire matter, the Court concludes the Findings and  
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations issued on November 13, 2024 (Doc. 39) are  
4 **ADOPTED** in full.
- 5 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to keep the  
6 Court apprised of his current address and failure to prosecute.
- 7 3. The Clerk of Court is directed to terminate all pending motions and to close this  
8 case.

9  
10 IT IS SO ORDERED.

11 Dated: **December 2, 2024**

  
UNITED STATES DISTRICT JUDGE